

REMARKS

Eleven (11) claims are pending and remain for consideration. The pending claims are 3, 4, 6, 14, 15 and 20-25. All rejections all respectfully traversed. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

The Examiner states that Markwald discloses a seating system that includes all the limitations of claims 3, 4 and 20-23, including a sliding mechanism configured to limit movement of a seat tray to horizontal movement (see page 2, section 2 of the Office Action). However, Markwald fails to disclose such a mechanism. Instead, Markwald discloses a sliding mechanism configured to allow vertical and horizontal movement of a seat tray (compare Markwald's Figs. 1 and 2) – it does not limit movement of the seat tray to horizontal movement, as claimed.

Moreover, Markwald fails to disclose a sliding mechanism configured to mount the seat tray for forward and rearward sliding movement in a single plane with respect to a base. Instead, Markwald's seat tray moves from a slightly rearward pitched position (see Markwald's Fig. 1) to an elevated forward pitched position in (see Markwald's Fig. 2). This is not a movement in a single plane.

The Examiner states that the recitation of movement in a single plane is an intended use of the claimed invention, which must result in a structural difference between the claimed invention and the prior art, and further that the prior art meets the limitation of the claim if the prior art structure is capable of performing the function. In line with these statements, the Examiner argues that Markwald's seat tray is capable of forward and rearward movement in a single plane when the seat is moved only slightly forward and rearward before reaching the fully extended position shown in Fig. 2 (see page 4, section 5 of the Office Action). The Examiner fails to provide legal basis for these statements. As a consequence, his argument is unsupported and the Final Office Action is improper. Applicants respectfully request that the Examiner provide legal basis in support of his statements and withdraw the present Final Office Action to extend

the period for response to provide Applicants' opportunity to reply to the Examiner's legal basis and argument.

Further, the claims recite a seat back that is pivotally mounted relative to the seat tray at a seat back pivot point that is positioned to be at the anatomical hip pivot point of the user of the seating system. Yet further, claims recite a seat back that is connected to a back support member so that downward movement of the back support member in a substantially vertical direction with respect to the base causes the seat back to pivot at the seat tray. These features are not disclosed in Markwald. If the Examiner wishes to maintain his rejection of the claims, Applicants respectfully request that the Examiner particularly point out where Markwald discloses these claim limitations.

In view of the foregoing remarks, it is believed that the claims are patentable over the cited references. Accordingly, Applicants request allowance of all the remaining claims.